

In The United States Court of Federal Claims

No. 09-242L

(Filed: March 12, 2013)

LOIS A. BURGESS, MARY VAN ELLEN
and ADELINE M. JOHNSON, for themselves
and as representatives of a class of similarly
situated persons,

Plaintiffs,

v.

THE UNITED STATES,

Defendant.

ORDER

On March 8, 2013, the parties filed a joint status report. That status report anticipates further briefing of plaintiffs' motion for reconsideration. However, that motion was denied this day.

The joint status report further anticipates a second round of dispositive motions regarding some of the parcels at issue; settlement discussion as to other parcels; and, eventually, a trial that would be consolidated in some form with a possible trial in *McClurg Family Farm, LLC, et al. v. United States*, No. 10-156L. Contrary to the parties expectations, this case has progressed beyond the stage of dispositive motions. This matter will be resolved in one of two fashions: settlement or trial. Trial of this matter will be complicated by the number of parcels at issue. The court will not complicate this matter further by joining any portion of this case with the *McClurg* case, particularly since the latter is at an earlier procedural stage.

The court encourages the parties to conduct settlement discussion as to all of the parcels that remain at issue. The court will allow the parties time to conduct those discussions, prior to setting this case down for trial (as plaintiffs previously suggested). Accordingly, on or before May 10, 2013, the parties shall file a joint status report indicating how this case should proceed. Should that report indicate that settlement is not imminent, the parties shall indicate a place for

trial in this matter, and provide a proposed schedule for that trial, including dates for the submission of pretrial filings. If the report does not indicate that settlement is imminent, but fails to include the requested trial schedule, the court will set the schedule on its own.

IT IS SO ORDERED.

s/ Francis M. Allegra

Francis M. Allegra

Judge